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Attorneys for Defendant and Third-Party  
Plaintiff PELOTON INTERACTIVE, INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VR OPTICS, LLC,  
Plaintiff,

-v-

PELOTON INTERACTIVE, INC.,  
Defendant.

16-CV-6392 (JPO)

PELOTON INTERACTIVE, INC.,  
Third-Party Plaintiff,

-v-

VILLENY DESIGN GROUP, LLC; ERIC  
VILLENY; and JOSEPH COFFEY,  
Third-Party Defendants.

**NOTICE OF MOTION TO PRECLUDE  
OPINIONS OF STEVEN M. LENZ**

*ORAL ARGUMENT REQUESTED*

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law and the Declaration of Galyn Gafford filed concurrently herewith, and all the other papers and pleadings filed with the Court, Defendant Peloton Interactive, Inc. (“Peloton”) hereby moves this Court, before the Honorable J. Paul Oetken, U.S.D.J., in the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square., Courtroom 706, New York, NY 10007, at a date and time to be set by the Court for an order precluding certain opinions of Plaintiff VR Optics, LLC’s (“VRO”) technical expert Steven M. Lenz. Peloton moves the Court to preclude the opinions of Steven M. Lenz in which he failed to follow faithfully the Court’s claim construction order by 1) misconstruing the construction of the “drive/control the display” limitations from claims 1 and 6 of U.S. Patent No. 6,902,513; and 2) misconstruing the “course data” construction from claim 5 of the ’513 patent. Further, Peloton moves the Court to preclude Steven M. Lenz from offering opinions based on Peloton’s source code as he is admittedly not qualified to render these opinions. Lastly, Peloton moves the Court to preclude Steven M. Lenz from offering any opinions that were not timely disclosed in his expert reports pursuant to Fed. R. Civ. P. 26 and the Court’s scheduling order.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with the Court’s Order dated May 24, 2019 resetting the deadlines, VRO’s response to Peloton’s motion is to be served on or before August 1, 2019, and Peloton’s reply is to be served on or before August 15, 2019.

Dated: July 1, 2019

Respectfully submitted,

SHEPPARD MULLIN RICHTER & HAMPTON, LLP

By: /s/ Steven. G. Schortgen

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 1, 2019, the foregoing document was served on all counsel of record who have consented to electronic service via the Court's CM/ECF system.

/s/ Steven G. Schortgen  
Steven G. Schortgen